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Docket # 7185  
Pm 722

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

25 FEB 1993

IN REPLY REFER TO:  
7330-7/1700A3

Honorable Daniel P. Moynihan  
United States Senator  
405 Lexington Avenue  
41st Floor  
New York, New York 10174

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Senator Moynihan:

This is in reply to your letter of February 2, 1993, in which you inquired on behalf of your constituent, Ira Klein, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

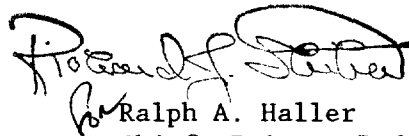
Mr. Klein is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

2 Copies

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due May 28, 1993, and Reply Comments are due July 14, 1993. We expect final rules to be issued in 1994. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ralph A. Haller", with a stylized flourish above the name.

Ralph A. Haller  
Chief, Private Radio Bureau

Enclosures

CNTL NO - 9300615

cc:  
Chief, PRBureau  
Chief, LM&M Divison  
Docket Files, Room 222  
P&P Branch File (Pink)

DFertig/RShiben:/gb/lm:PR

# Congressional

DUE OBC: 2-24-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,  
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM  
02/16/93

## LETTER REPORT

| CONTROL NO. | DATE RECEIVED | DATE OF CORRESP | DATE DUE | DATE DUE OLA(857) |
|-------------|---------------|-----------------|----------|-------------------|
| 9300615     | 02/16/93      | 02/08/93        | 03/01/93 |                   |

| TITLE   | MEMBERS NAME    | REPLY FOR SIG OF |
|---------|-----------------|------------------|
| Senator | Daniel Moynihan | BC               |

| CONSTITUENT'S NAME | SUBJECT                           |
|--------------------|-----------------------------------|
| Ira Klein          | inq. comments on PR Docket 92-235 |

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| 2-17-93         |        |        |        |
| DATE            | DATE   | DATE   | DATE   |
| 02/16/93        |        |        |        |

REMARKS: Respond to the attention of Deborah A. Famighette  
in the New York, New York office.

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FEB 17 3 13 PM '93

DANIEL P. MOYNIHAN  
-NEW YORK

405 LEXINGTON AVENUE  
SUITE 4101  
NEW YORK, NY 10174-4101

**United States Senate**  
WASHINGTON, DC 20510-3201

February 2, 1993

Mr. Kevin McKeon  
Field Public Service Specialist  
Federal Communications Commission  
201 Varick Street  
New York, NY 10014

Dear Mr. McKeon:

The enclosed inquiry is from a constituent of mine,  
Mr. Ira Klein.

I would appreciate your careful consideration of these  
remarks, and your thoughts on what remedies there may be for  
this situation.

Please send me your written response in duplicate along  
with the letter from my constituent to:

Senator Daniel P. Moynihan  
405 Lexington Avenue  
41st Floor  
New York, New York 10174  
ATTN: Deborah A. Famighette

Sincerely,

Daniel Patrick Moynihan



FEDERAL COMMUNICATIONS COMMISSION  
FIELD OPERATIONS BUREAU  
February 8, 1993

PRB  
92-235  
b/s

201 Varick Street  
New York, NY 10014-4870  
(212)-620-3437

The Honorable Daniel P. Moynihan  
United States Senate  
405 Lexington Avenue  
41st Floor  
New York, NY 10174

Attention: Deborah A. Famighette

Dear Senator Moynihan:

Thank you for contacting our office on behalf of your constituent, Mr. Ira Klein, of 46 Amherst Street, Brooklyn, NY 11235. Mr. Klein is concerned about proposed FCC rule changes under consideration for the Radio Controlled radio service.

Your inquiry is being forwarded to the Chief, Field Operations Bureau for coordination with the appropriate staff at our headquarters office in Washington, DC. You should receive a response within the next 30 days.

Sincerely,

Alexander J. Zimny  
Engineer in Charge

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January 28, 1993

The Honorable Daniel Moynihan  
405 Lexington Ave.  
NYC, NY 10174

Dear Senator Moynihan,

I am very active in a local Radio Control Club whose members are actively involved in the construction and operation of Radio Controlled Model Airplanes. The club, the Pennsylvania Avenue Radio Control Society, operates an airfield at Gateway National Recreation Area, and through daily visits by members, as well as through air shows open to the general public, constitutes the largest bloc of visitors to the Floyd Bennett Airfield section of the park.

I am concerned about proposed rules that are currently under consideration by the Federal Communications Commission. The proceeding is PR Docket 92-235. If adopted, the new rules will greatly reduce the usability of frequencies currently assigned for model use, and increase the risk of accidents and attendant liability for controlling model airplanes.

Our radio control frequencies are in the 72-76 Mhz band. This band is primarily used for private land mobile dispatch operations. However, our radio control frequencies are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

Now the FCC wants to create more land mobile frequencies by splitting them into narrower bandwidths and rearranging the band plan. As a result, many land mobile frequencies will move closer to the radio control frequencies and cause interference to radio control operations. I am told that of the 50 frequencies that are presently available for radio control of model planes, only 19 frequencies will be left if these new rules are adopted.

When we fly our model airplanes we go to great lengths to assure the safety of operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin for safety will be greatly reduced.

Please understand that many models have wingspans up to 10 feet and weigh as much as 30 or 40 pounds. The models themselves are expensive to build, but more to the point, they are capable of causing property damage, serious injury or even death if radio interference causes the operator to lose control of the craft.

I do not think it is wise of the FCC to seek to improve the operations of land mobile users at the expense of radio control modelers. If we interfere with them, there is no risk of injury or death. But that is not the case if a land mobile user inadvertently interferes with us. The FCC may not think we are as important as business users of radios, but we have a considerable investment in our models and radio equipment. The hobby provides many hours of enjoyment to thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me continue the safe enjoyment of my pastime by not allowing the FCC to carry out its proposals for the 72-76MHz band.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ira Klein', with a stylized flourish at the end.

Ira Klein  
46 Amherst St.  
Brooklyn, N.Y. 11235